

clean copy of the pending claims following entry of the instant amendment is provided in **Appendix B**. Claims 1-31 are now pending and presented for reconsideration.

The Examiner is invited to contact the undersigned at (512)536-3085 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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## APPENDIX A: MARKED VERSION OF AMENDED CLAIMS

1. (Amended) A seed of the corn variety I026458, wherein a sample of the seed of the corn variety I026458 was deposited under ATCC Accession [No. - - - - ] No. PTA-3228.
2. (Amended) A population of seed of the corn variety I026458, wherein a sample of the seed of the corn variety I026458 was deposited under ATCC Accession [No. - - - - ] No. PTA-3228.
5. (Amended) A corn plant produced by growing a seed of the corn variety I026458, wherein a sample of the seed of the corn variety I026458 was deposited under ATCC Accession [No. - - - - ] No. PTA-3228.
14. (Amended) An essentially homogeneous population of corn plants produced by growing the seed of the corn variety I026458, wherein a sample of the seed of the corn variety I026458 was deposited under ATCC Accession [No. - - - - ] No. PTA-3228.
15. (Amended) A corn plant capable of expressing all the physiological and morphological characteristics of the corn variety I026458, wherein a sample of the seed of the corn variety I026458 was deposited under ATCC Accession [No. - - - - ] No. PTA-3228.
17. (Amended) A tissue culture of regenerable cells of a plant of corn variety I026458, wherein the tissue is capable of regenerating plants capable of expressing all the physiological and morphological characteristics of the corn variety I026458, wherein a sample of the seed of the corn variety I026458 was deposited under ATCC Accession [No. - - - - ] No. PTA-3228.
20. (Amended) A corn plant regenerated from the tissue culture of claim 17, wherein the corn plant is capable of expressing all of the physiological and morphological characteristics of the corn variety designated I026458, wherein a sample of the seed of the corn variety I026458 was deposited under ATCC Accession [No. - - - - ] No. PTA-3228.

21. (Amended) A process of producing corn seed, comprising crossing a first parent corn plant with a second parent corn plant, wherein one or both of the first or the second parent corn plant is a plant of the corn variety I026458, wherein a sample of the seed of the corn variety I026458 was deposited under ATCC Accession [No. - - - - -] No. PTA-3228, wherein seed is allowed to form.

22. (Amended) The process of claim 21, further defined as a process of producing hybrid corn seed, comprising crossing a first inbred corn plant with a second, distinct inbred corn plant, wherein the first or second inbred corn plant is a plant of the corn variety I026458, wherein a sample of the seed of the corn variety I026458 was deposited under ATCC Accession [No. - - - - -] No. PTA-3228.

30. (Amended) The corn plant of claim 27, wherein the locus confers a trait selected from the group consisting of herbicide tolerance[,]; insect resistance[,]; resistance to bacterial, fungal, nematode or viral disease[,]; yield enhancement[,]; waxy starch[,]; improved nutritional quality[,]; enhanced yield stability[,]; male sterility and restoration of male fertility.

31. (Amended) A method of producing an inbred corn plant derived from the corn variety I026458, the method comprising the steps of:

- (a) preparing a progeny plant derived from corn variety I026458 by crossing a plant of the corn variety I026458 with a second corn plant, wherein a sample of the seed of the corn variety I026458 was deposited under ATCC Accession [No. - - - - -] No. PTA-3228;
- (b) crossing the progeny plant with itself or a second plant to produce a seed of a progeny plant of a subsequent generation;
- (c) growing a progeny plant of a subsequent generation from said seed and crossing the progeny plant of a subsequent generation with itself or a second plant; and
- (d) repeating steps (b) and (c) for an addition 3-10 generations to produce an inbred corn plant derived from the corn variety I026458.